

Combroke Parish Council

Consultation for Planning Application 16/03108/FUL at: No 14, Combrook, CV35 9HP
Proposal: Temporary use of ancillary outbuilding as a separate dwelling for a period of twelve months

Representation

The Parish Council is objecting to this proposal on the following grounds:

- ◆ Core Strategy Policy CS15, Distribution of Development, assigns Combrook as a group F location (all other settlements) in which the approval of a separate dwelling is not acceptable in principle.
- ◆ The planning permission (15/00443/FUL) under which this current development has been constructed was granted subject to the condition:
(5) *The development hereby permitted shall not be occupied or used at any time as a separate dwelling unit.* Reason: to comply with the policies of the L P A
The above statement is unequivocal.
- ◆ The planning permission (15/00443/FUL) was granted for a replacement outbuilding subject to the condition that, *'it be carried out only in accordance with the approved drawings'* which are for a garage/workshop. However
 - * the development has not been implemented in accordance with the approved drawings. The changes are substantial. It now comprises living accommodation;
 - * the outbuilding does not have planning permission for use as ancillary living accommodation and this application, to further approve its use as a separate dwelling, is unacceptable;
 - * the current development is a breach of planning regulation and the approval of this proposal, whether temporary or otherwise, would undermine public confidence in the planning system (NPPF para 207).
- ◆ The application is incomplete and elements of the application statement, and the design and access statement are misleading.

In Detail

1. Context

- 1.1. No 14 occupies a central plot within the village. Nos 12 and 14 together (previously known as 12, 13 and 14) are a single late C17 building which is Grade II Listed and described as a *'good example of a C17 local type of cottage'* in the SDC Combrook and Compton Verney Conservation Area Study (1994).
- 1.2. Within the curtilage of a listed building the construction of any outbuilding requires planning permission.

2. Planning permission 15/ 00443/FUL and 15/00446/LBC

- 2.1. These permissions give approval for a **replacement outbuilding** at No 14 subject to conditions. The building to be replaced was a timber barn (C19 / early C20) previously in use as a garage/workshop.

2.2. The approved drawings (358-18, 358-09D, 358-10D) show the replacement outbuilding as a single storey unit with a garage to the front and a separate workshop located to the rear of the unit. The loft area above the workshop is identified for use as storage and is shown as being accessible only by a ladder. The shallow roof space above the garage is identified as storage.

2.3. Application 15/03913/AMD, described as a “non-material amendment for two extra windows” was submitted in October 2015 to gain approval for windows that had already been implemented during initial construction. Since it was validated as non-material there was not a public consultation and approval was granted for:

“2 additional windows in the garage As shown on plan ref 358/10E”

2.4. However, the drawings submitted for this and the subsequent 15/04101/LBC also show significant other changes which had been implemented to create two storey living accommodation, which became apparent to the Parish Council at the end of December 2015. These other changes were not referred to in any way in the amendment application form. The decision letter explicitly made only the 2 additional windows in the garage the subject of the approval and critically did not make drawing no. 358/10E the approved drawing for this development. Drawing no. 358/10D therefore remains the approved drawing and the approved purpose of the building remains as a garage/workshop/store. Since January 2016 the development is the subject of ongoing enforcement procedures and these have not yet been resolved.

2.5. **It is clear the development is currently in breach of planning regulation.** It does not have permission as “ancillary accommodation” as described in the application form, nor as “living accommodation” as described in the design and access statement.

2.6. The Parish Council cannot be clear about all of the changes that have been implemented without permission. But from the various drawings which have been submitted by the applicant and from observation, the following are noted:

- from the beginning of construction the ground floor level for the garage area was constructed 330mm lower than as shown in the approved drawings. The height to eaves of the garage section is increased by 330mm. It is assumed this was to lower the ceiling thus creating additional height in the loft area above to permit habitable use.
- the south facing roof lights in the loft above the garage were also repositioned. They appear to be at a level which allow overlooking to the rear of the neighbouring property and its immediate rear garden;
- the ‘garage doors’ at the front of the building are simply a facade;
- the plans also show significant internal amendments: a stairway now gives access to a habitable first floor room in the ‘loft’ over the workshop with an access door through to the ‘garage’ at a half landing on the stairway. (see 15/04101/LBC: 358/29) Finally;
- an air source heat pump has been installed on the north facing elevation. ASHPs require planning permission within the curtilage of a listed building.

(refer images in Appendix illustrating some of these)

2.7. The Parish Council believes that this case requires up-to-date accurate plans and elevations of the development ‘as built’ and requests that such information is made public before this application proceeds to a determination.

3. **Incomplete and Misleading Application**

- 3.1. The application states that the development has permission as an ancillary accommodation. It does not (refer 2.5). The permission is only for a replacement outbuilding as a garage/workshop.
- 3.2. The design and access statement confirms that this development was completed in January 2016 and refers to it as the "recently constructed replacement outbuilding " as approved by 15/ 00443/FUL and 15/00446/LBC. Clearly it has not been built as approved (refer 2.4 & 2.5 above).
- 3.3. In the design and access statement the applicant states that temporary permission would be required for 12 months until the completion of the cottage repairs. It should be noted that:
- in an email¹ to the Case Officer dated 25 October 2016 the Agent asserts that this development "*currently provides him (the Applicant) with a place to live*"
 - since 2013 the applicant has not been living in either the cottage or this development other than perhaps an occasional night. The Parish Council is aware that the development was utilised for a short period in Spring 2016 as holiday accommodation.
- 3.4. At section 6 of the application form it is asserted the applicant has received planning advice for the proposal from the Enforcement Officer but provides no detail of the advice offered. The Enforcement Officer² has denied giving any planning advice.
- 3.5. In an email dated 14 November 2016 the Case Officer did give the following advice to the Agent:
- Your description of the development, using the words 'temporary use as separate dwelling' is what necessitates the need for justification, bearing in mind that the classification of Combrook as an 'all other settlements" location and the fact that a separate dwelling is not acceptable, in principle, in accordance with the relevant policies, for any length of time.....*
- If this proposal is genuinely required as ancillary accommodation for the duration of the building works and not as a separate dwelling, then perhaps we can re-visit the description of the (proposed) development in the interests of clarity. For example, 'Temporary use of ancillary outbuilding (approved under 15/00443/FUL) as additional residential accommodation associated with 14 Combrook for a period of 12 months.' This will address the potential misconception that the building will be used as a separate dwelling for any length of time, making it clear and unambiguous.*
- 3.6. The Parish Council is not convinced that the circumstances of this case merits the contravention of the LPA's policies nor removal of planning conditions 5 attached to the planning permission 15/00443/FUL.

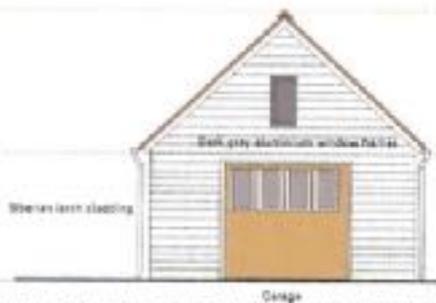
For all the above reasons the Parish Council objects to this application.

January 2017

¹ refer to Applicant's Heritage Statement as published for consultation.

² email sent to the Parish Clerk 10/01/2017

Appendix

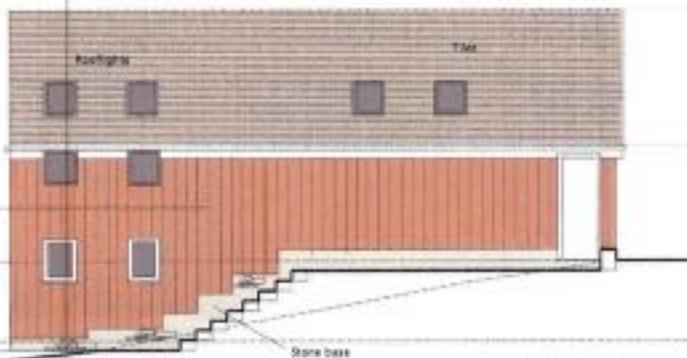


VIEW FROM FRONT AT GROUND LEVEL
from the drawing 358/10E (not approved)

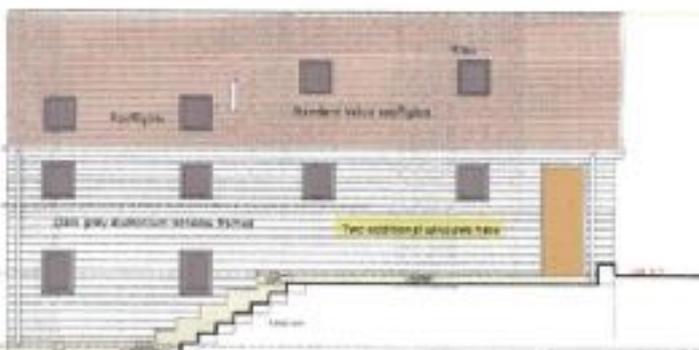


VIEW FROM FRONT AT GROUND LEVEL
from the approved plan

from the approved plan



SOUTH ELEVATION



SOUTH ELEVATION

from the 'amended' drawing 358/10E (not approved)



The "replacement outbuilding" as built



No 14 Combrook with new side and rear extension nearing completion